



STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
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	:	
	:	
ROGER L. DUPONT, RN	:	FINAL ORDER
License # 26NR12812500	:	OF DISCIPLINE
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Roger L. Dupont ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about May 25, 2012, Respondent completed and submitted an online biennial renewal for the period of June 1, 2012 to May 31, 2014.

3. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing

education credits by May 31, 2012," referring to the biennial renewal period of June 1, 2010 to May 31, 2012. Respondent answered "Yes" and certified that answer by submitting the online application. (Exhibit B).

4. On January 14, 2013, the Board received a flagging notice that Respondent was arrested on the same day by the Atlantic City Police Department for violation of N.J.S.A. 2C:12-1B(1) (Aggravated Assault). The Board sent a letter of inquiry requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and continuing education to Respondent's address of record in Egg Harbor Township, New Jersey, via regular and certified mail on or about January 31, 2013. The regular mailing was not returned. The United States Postal Service track and confirm system indicates that the certified mailing was delivered in Egg Harbor Township on February 7, 2013. (Exhibit C).

5. On or about May 5, 2014, Respondent completed and submitted an online biennial renewal for the period of June 1, 2014 to May 31, 2016. (Exhibit D).

6. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2014," referring to the biennial renewal period of June 1, 2012 to May 31, 2014. Respondent

answered "Yes" and certified that answer by submitting the online application.

7. To date, Respondent has not responded to the Board's request for information.

#### CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

By virtue of having failed to respond to the letter of inquiry, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2010 to May 31, 2012. The Board

therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on January 20, 2015, provisionally suspending respondent's nursing license, and imposing a reprimand and a total of \$750 in civil penalties. A copy of the Order was served upon the respondent by certified and regular mail at his address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order, furnishing most of the information and documents requested in the Board's original letter of inquiry, but he did not clearly indicate, or provide documentation of, the status or disposition of the arrest. He provided a copy of petition for expungement, which

recites that the charges against him were dismissed on September 23, 2013, but he did not provide documentation of the dismissal, nor does his explanatory letter indicate the status or disposition of the matter. No actual order of expungement was provided. With respect to continuing education, however, respondent has provided certificates of completion for 60 contact hours dating from March of 2015, although he has not provided documentation of the one-hour course in organ and tissue donation required pursuant to N.J.A.C. 13:37-5.3 for the 2012-2014 licensing cycle. The Board considered this matter, and determined that respondent's failure to provide documentation of the disposition or status of the arrest indicated that respondent's failure to cooperate was ongoing. The certificates of completion provided demonstrate that respondent failed to timely complete required continuing education for the 2010-2012 licensing cycle, and that he therefore did not provide accurate information about continuing education on his 2012 renewal application. The Board therefore found that finalization of the Provisional Order without modification was warranted.

ACCORDINGLY, IT IS on this 17<sup>th</sup> day of April, 2015,

ORDERED that:

1. Respondent's license to practice nursing is suspended until such time as Respondent cooperates fully with the Board's

investigation by providing the Board with documentation of the disposition of the arrest, and proof of completion of the course in organ and tissue donation required pursuant to N.J.A.C. 13:37-5.3. Continuing education hours already taken in 2015 and applied to cure the deficiency from the previous biennial period shall not be used to satisfy the continuing education requirements of 2014-2016 licensing cycle.

2. A reprimand is imposed on Respondent for falsifying the continuing education information on his license renewal application.

3. Respondent is assessed a civil penalty in the amount of seven hundred and fifty dollars (\$750). Said penalty is an aggregate penalty, which includes a penalty in the amount of five hundred dollars (\$500) for failure to cooperate with a Board investigation and a penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by money order, bank cashier check or certified check, made payable to the State of New Jersey or by wire transfer, direct deposit or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making payment. Payment shall be

due no later than fifteen (15) days after the filing of this order. In the event respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

4. Respondent shall refrain from practicing as a nurse and shall not represent himself as a Registered Professional Nurse until such time as his license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

NEW JERSEY STATE BOARD OF NURSING

By:

*Patricia Murphy PLD APN*

Patricia Murphy, PhD, APN  
President